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Attorneys for Defendant
RSKCO SERVICES, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JULIA M. BACKMAN, individually)	CIVIL NO. 04-00348 (HG KSC)
and on Behalf of the ESTATE OF)	(Contract)
DANIEL VERNON BACKMAN, and)	
as Next Friend to KELLY KEIKO)	DEFENDANT RSKCO
VALENE BACKMAN and JODI)	SERVICES, INC.'S MOTION FOR
LEIGH YACHIYO BACKMAN,)	SUMMARY JUDGMENT
Minors,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
RSKCO SERVICES, INC., a Illinois)	
corporation; JOHN DOES 1-10;)	
JANE DOES 1-10; DOE)	

PARTNERSHIPS 1-10, DOE)
 CORPORATIONS 1-10; DOE)
 LIMITED LIABILITY)
 ENTITIES 1-10; DOE)
 "NON-PROFIT" CORPORATIONS)
 1-10; and DOE GOVERNMENTAL)
 ENTITIES 1-10,)
)
)
 Defendants.)

**DEFENDANT RSKCO SERVICES, INC.'S
 MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, Defendant RSKCO SERVICES, INC. ("RSKCO") hereby respectfully moves the Court for judgment, as a matter of law, on all of Plaintiffs' claims because Plaintiffs have no independent right of action against RSKCO as an independent adjuster, there is no contractual relationship between RSKCO and Plaintiffs, and Plaintiffs have no expert testimony to establish that RSKCO breached the standard of care applicable to an adjuster in the handling of Daniel Backman's workers' compensation claim. No reasonable jury could find that RSKCO acted in bad faith under the circumstances of this case. Moreover, certain claims are barred by the statute of limitations and Plaintiffs are not entitled to punitive damages.

This Motion is based upon the attached memorandum, the concurrently filed Separate and Concise Statement of Facts, Exhibits, Declarations of Julie Holtz and Robert Kessner and upon the record and file herein.

DATED: Honolulu, Hawaii, February 15, 2006.

/s/ Edquon Lee

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RSKCO SERVICES, INC.

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DANIEL VERNON BACKMAN, and)	
as Next Friend to KELLY KEIKO)	CERTIFICATE OF SERVICE
VALENE BACKMAN and JODI)	
LEIGH YACHIYO BACKMAN,)	(RE DEFENDANT RSKCO
Minors,)	SERVICES, INC.'S MOTION FOR
)	SUMMARY JUDGMENT)
Plaintiffs,)	
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RSKCO SERVICES, INC., a Illinois)	
corporation; JOHN DOES 1-10;)	
JANE DOES 1-10; DOE)	
PARTNERSHIPS 1-10, DOE)	
CORPORATIONS 1-10; DOE)	
LIMITED LIABILITY)	
ENTITIES 1-10; DOE "NON-)	
PROFIT" CORPORATIONS 1-10;)	
and DOE GOVERNMENTAL)	
ENTITIES 1-10,)	
)	
Defendants.)	
)	

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the within document was
duly served on the following:

MAIL

PERSONAL SERVICE

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Attorney for Plaintiffs

JULIA M. BACKMAN, individually and on Behalf
of the **ESTATE OF DANIEL VERNON**

BACKMAN, and as Next Friend to KELLY KEIKO

VALENE BACKMAN and JODI LEIGH

YACHIYO BACKMAN, Minors

X

DATED: Honolulu, Hawaii, February 15, 2006.

/s/ Edquon Lee

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